

REMARKS

Claims 1-129 were originally filed in the present application, with Claims 1-23 and 114-126 pending. In the Restriction Requirement mailed November 4, 2005, the Examiner restricted Claims 1-23 and 114-126 into the following two groups:

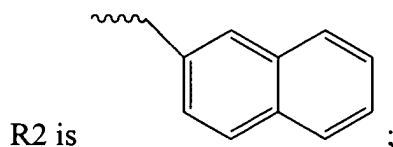
- I. Claims 1-23, drawn to a method of treating a condition associated with dysregulation of the process of cell death in a subject; and
- II. Claims 114-126, drawn to a compound of benzodiazepine having the structure as shown in Claims 114-126.

Restriction Requirement, page 2. The Applicant herein elects, without traverse, to prosecute the claims of Group I. The Applicant also herein cancels Claims 114-126 in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future. In addition, the Applicant now provides new Claims 130 and 131. New Claim 130 does not constitute new matter. Support for new Claim 130 is located in the Specification at, for example, page 34, line 3. New Claim 131 does not constitute new matter. Support for new Claim 131 is located at, for example, page 14, line 30 through page 15, line 12.

The Examiner further states, "Upon the applicant's election of a patentably distinct invention of the Group I or Group II, applicant is required under PCT Rule 13.1 to elect a single disclosed species, even though this requirement is traversed...The species are as follows: 1. A single disclosed condition that is associated with dysregulation of the process of cell death: For instance, chronic inflammatory condition (e.g., psoriasis, asthma, Crohn's disease), hyperproliferative diseases (e.g., B-cell lymphoma, T-cell lymphoma, cancer, etc.), a viral infection...2. A generic benzodiazepine compounds are recited in 5-7, 114-125 or 126. A single disclosed species are also recited in the instant claim 119-126." Restriction Requirement, page 3.

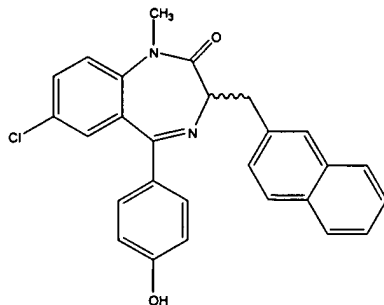
The Applicants herein elect within Group I condition "psoriasis." The Applicants herein elect within Group I the formula described in Claim 6, wherein:

R1 is CH₃;



R3 is OH; and

R4 is Chlorine; such that the positioning of R1, R2, R3 and R4 results in the following formula:

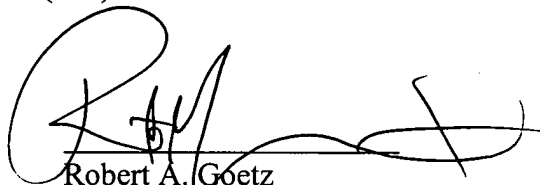


. Claims 1-3, 5-6, 8-10, 13-14, 21, 23 and new Claims 130 and 131 are readable upon the species selections. As this is a species election, the remaining non-elected species will be examined, should the elected species be found allowable.

CONCLUSION

As such, Claims 1-23, 130 and 131 are pending and under examination following entry of Applicant's response to the outstanding Restriction requirement. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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